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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUBEN JESSE MARTINEZ,
Petitioner,
v.
JAMES A. YATES,
Respondent.

No. C 11-01011 SI

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

Currently before the Court is petitioner's motion for a certificate of appealability. Petitioner's petition for writ of habeas corpus was denied on January 30, 2012. A certificate of appealability will not issue. Reasonable jurists would not "find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner may seek a certificate of appealability from the Court of Appeals.

IT IS SO ORDERED.

Dated: March 5, 2012



SUSAN ILLSTON
United States District Judge